

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00236-RM-MJW

HEATHER KREUTZER,

Plaintiff,

v.

THE HOME DEPOT, INC.,

Defendant.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion for Leave to File Second Amended Complaint (Docket No. 15) is GRANTED. Pursuant to Fed. R. Civ. P. 15(a)(2), "[t]he court should freely give leave [to amend] when justice so requires." "Refusing leave to amend is generally only justified upon a showing of undue delay, undue prejudice to the opposing party, bad faith or dilatory motive, failure to cure deficiencies by amendments previously allowed, or futility of amendment." *Bylin v. Billings*, 568 F.3d 1224, 1229 (10th Cir. 2009) (quoting *Frank v. U.S. West, Inc.*, 3 F.3d 1357, 1365 (10th Cir. 1993)). "The liberal granting of motions for leave to amend reflects the basic policy that pleadings should enable a claim to be heard on its merits." *Carr v. Hanley*, 2009 WL 4693870, \*1 (D. Colo. Dec. 3, 2009) (quoting *Calderon v. Kansas Dep't of Soc. & Rehab. Servs.*, 181 F.3d 1180, 1186 (10th Cir. 1999)). In the motion, Plaintiff explains that after conferring with counsel for Defendant, she has learned that the correct name of Defendant is The Home Depot U.S.A., Inc. and she seeks leave to amend "so that the properly named Defendant may respond and this case may proceed." (Docket No. 15 at 1). The Court finds that leave to amend should be granted pursuant to Fed. R. Civ. P. 15(a)(2) in this circumstance. Accordingly,

It is further ORDERED that the Clerk of the Court shall accept Plaintiff's proposed Second Amended Complaint (Docket No. 15-1) for filing as of the date of this Minute Order.

It is further ORDERED that Defendant shall respond to the Second Amended Complaint in accordance with Fed. R. Civ. P. 15(a)(3).

Date: March 22, 2016

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